

H.R. 17505, to rescind certain budget authority recommended in the messages of the President of September 20, 1974 (H. Doc. 93-361), October 4, 1974 (H. Doc. 93-365) and November 13, 1974 (H. Doc. 93-387), transmitted pursuant to section 1012 of the Impoundment Control Act of 1974, which was read twice by its title.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Has the bill now been read twice?

The PRESIDING OFFICER. The bill has been read twice.

Mr. McCLELLAN. Then I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. McCLELLAN. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the bill now open to debate and amendment?

The PRESIDING OFFICER. The bill is now before the Senate, and is open to amendment.

Mr. HRUSKA. Mr. President, H.R. 17505 is the first rescission bill of its kind. It contains a number of items proposed for rescission by the President in special messages transmitted to Congress on September 23 and October 7, 1974. As amended and passed by the House, the bill recommends that approximately \$117 million in budget authority be rescinded. This is \$540 million less than the amount proposed for rescission. I agree with the action taken by the House and recommended by the Appropriations Committee, and I urge my fellow Senators to vote for the bill.

Mr. President, of particular interest to many in the agricultural community in this initial rescission measure is the proposed rescission of funds by the Administration for two important agriculture programs. The Rural Electrification Administration loan program and the agricultural conservation program, REAP, have been selected by the President for budget reductions.

The House rejected the rescission of funds in these two vital programs. I concur with that decision and urge that the Senate do likewise, thus leaving them to go forward.

During the regular appropriations hearings and action on these programs in the 1974 Appropriation Act the need for continued funding was noted by both the House and Senate committees. The House and Senate Appropriations Committees approved an authorization of \$700 million for the Rural Electrification Administration loan program. Of the total amount authorized, not less than \$80 million shall be made available for 1-percent loans. In addition to these insured loans, the REA is authorized to guarantee non-Federal loans at interest rates to be agreed upon between the borrower and lender. Public Law 93-32 gives Congress the authority and responsibility for establishing ceilings under the guaranteed loan program.

The President's rescission message recommended a reduction of over \$455 million in the REA loan authorization. Testimony before the House Agriculture Appropriations Subcommittee indicated that there is at least \$800 million in unapproved loans, and because of construction slowdowns, the approval of loans has been delayed. These loans are essential to rural development and any further delays in the loan program would be injurious to the rural economy.

As the House Appropriations Committee report on the rescission message pointed out, these funds are loan authorizations and not expenditures until approvable loans are submitted. Clearly, rural America should have the assurance that these funds will be available if needed. Therefore, I agree with the House recommendation to disapprove rescission of these funds.

For the agricultural conservation program, REAP, the House and Senate Appropriations Committees both recommended a funding level of \$160 million for the 1974 fiscal year, the unobligated portion of which, namely \$85 million, the President seeks to rescind. This program has been in existence since 1936 and has proven its worth to rural America despite efforts by the Department of Agriculture over the years to terminate it. These funds support the committee system in designating agricultural conservation practices within the many States. It is an important program to agriculture and to those who believe in sound conservation practices in connection with the production of food in this country. Mr. President, I support the House bill's denial of a rescission of funds for the REAP program.

It should be noted that Congress and the executive branch have long been at odds on the subject of appropriations for the agricultural conservation program, REAP, and its predecessor programs.

This has been true through the administrations of two Democratic Presidents and two Republican Presidents. The budget requests of these Presidents have not included any amount to fund such programs for many years.

On each such occasion, the Congress has appropriated sums for them notwithstanding lack of a Presidential budget request.

Congress in the past has provided funds for the programs in spite of lack of Presidential budget requests.

In the current situation as provided in the pending bill, the Congress provides the funds notwithstanding the President's proposed rescission.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

#### SUPPLEMENTAL APPROPRIATIONS, 1975—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) mak-

ing supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. BROOKE. Mr. President, I would like to ask the chairman of the HUD Appropriations Subcommittee, Mr. PROXMIER, about a sentence that appears in the joint explanatory statement of the committee on conference as part of the explanation of amendment No. 3. It reads as follows:

The Committee agrees that the Section 235 and 236 programs should be used to provide alternate programs to Section 8 should the latter program not meet adequately the housing needs of lower income families.

As a member of the Committee on Banking, Housing and Urban Affairs as well as the Appropriations Committee, I am aware that there is a clear need to maintain an appropriate line of jurisdiction between the two committees.

Frankly, I am concerned that the sentence to which I referred may be interpreted to go beyond the jurisdiction of the Appropriations Committee and to write substantive housing legislation as a part of the joint explanatory statement of the Committee on Appropriations.

The Housing and Community Development Act of 1974 authorized the section 235, 236, and section 8 housing programs. It did not, however, either in the statute or in the report suggest that continuation of the section 235 homeownership program would depend on the success of the section 8 leasing program. The act clearly reflects the congressional intent that the section 235 program be used along with the section 8 program to meet the housing needs of our Nation's low- and moderate-income families.

I am concerned that HUD may misunderstand the statement that appears in amendment No. 3, and fail to act in accordance with the congressional intent expressed in the 1974 act.

Mr. President, I wonder whether the chairman could clarify the meaning of the sentence I have cited?

Mr. PROXMIER. May I say to my good friend, the Senator from Massachusetts, as a member of both the Bank, Housing and Urban Affairs Committee and the Appropriations Committee, I agree with the distinguished Senator from Massachusetts that the report language he has read is, unfortunately, ambiguous and could lead to an improper interpretation of the 1974 Housing Act.

It was clearly not the intent of that act to make the use of the section 235 program contingent on section 8 success. The homeownership program was established to assist home buyers. The section 8 program assists renters, not buyers.

It is clear to me that the report language cited by my colleague is not intended to make the homeownership program a standby program since this was not the intention of the 1974 act. Such a misinterpretation of the report language would, very clearly, signal a substantive legislation decision which properly belongs within the jurisdiction of the Committee on Banking, Housing and Urban Affairs. I would answer my colleague that I read the statement simply as recognizing that the section 8 program cannot alone meet the low-income

housing goals established in the Housing Act of 1968 and that, accordingly, the revised section 235 homeownership program and the section 236 rental program are additional tools to be used in meeting our housing goals.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Wisconsin.

I would like to address one question to the distinguished chairman of the Committee on Appropriations, and I would like to ask him whether he concurs with the views expressed by the chairman of the HUD Appropriations Subcommittee.

Mr. McCLELLAN. My attention was otherwise engaged, and I did not know that the Senator was asking something specifically with reference to this bill.

What is the contention?

Mr. PROXMIRE. We are making legislative history here. We are trying to clarify the fact that the conference report of Banking, Housing and Urban Affairs Committee in both the House and Senate did not include the language which is referred to in the supplemental appropriation committee report.

Mr. McCLELLAN. Does not include it?

Mr. PROXMIRE. Does not include it, which is a fact, and we are trying to make that clear in this discussion on the floor.

Furthermore, the substance of this is that the funds which are appropriated for the section 235 and 236 programs are available and should be used regardless of whether the section 8 program is regarded as a success or not. They are both needed and we should proceed with both.

Mr. McCLELLAN. This provision of appropriations comes under the Senator's jurisdiction, the jurisdiction of his committee; am I correct?

Mr. PROXMIRE. That is correct.

Mr. McCLELLAN. I would be inclined to support the Senator's view. I know of no reason why I should not support the Senator's view on it which he has expressed.

Mr. BROOKE. I thank the Chair and I thank the distinguished chairman of the full committee and the chairman of the subcommittee because I think it is important that this legislative history be made, and that HUD understand the intent of Congress insofar as section 235 and section 236 are concerned.

Mr. PROXMIRE. May I say to the Senator from Massachusetts that I commend him for his alertness in bringing this to our attention and in taking this most useful action.

#### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, with the understanding that there be no action on the bill at this time, just that it be made the pending measure before the Senate, I ask unanimous consent that S. 3267 be called up and made the pending business.

The PRESIDING OFFICER. The clerk will report.

Mr. McCURE. I object.

Mr. ROBERT C. BYRD. Mr. President, I move the Senate proceed to the consideration of S. 3267.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to withdraw my motion.

The PRESIDING OFFICER. Without objection it is so ordered.

#### STANDBY ENERGY EMERGENCY AUTHORITIES ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 3267 now be made the pending business before the Senate with the understanding there be no rollcall votes on this measure today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. I thank the Senator.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3267) to provide standby emergency authority to assure that the essential energy needs of the United States are met, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act, including the following table of contents, may be cited as the "Standby Energy Emergency Authorities Act".

#### TABLE OF CONTENTS

#### TITLE I—STANDBY ENERGY EMERGENCY AUTHORITIES

- Sec. 101. Findings and purposes.
- Sec. 102. Definitions.
- Sec. 103. End-use rationing.
- Sec. 104. Energy conservation plans.
- Sec. 105. Coal conversion and allocation.
- Sec. 106. Materials allocation.
- Sec. 107. Federal actions to increase available domestic petroleum supplies.
- Sec. 108. Other amendments to the Emergency Petroleum Allocation Act of 1973.
- Sec. 109. Protection of franchised dealers.
- Sec. 110. Prohibitions on unreasonable actions.
- Sec. 111. Regulated carriers.
- Sec. 112. Antitrust provisions.
- Sec. 113. Exports.
- Sec. 114. Employment impact and unemployment assistance.
- Sec. 115. Use of carpools.
- Sec. 116. Administrative procedure and judicial review.
- Sec. 117. Prohibited acts.
- Sec. 118. Enforcement.
- Sec. 119. Small business information.
- Sec. 120. Delegation of authority and effect on State law.
- Sec. 121. Grants to States.
- Sec. 122. Energy information reports.
- Sec. 123. Intrastate gas.
- Sec. 124. Expiration.

Sec. 125. Authorizations of appropriations.

Sec. 126. Severability.

Sec. 127. Contingency plans.

#### TITLE II—STUDIES AND REPORTS

Sec. 201. Agency studies.

Sec. 202. Reports of the President to Congress.

#### TITLE I—STANDBY ENERGY EMERGENCY AUTHORITIES

##### SEC. 101. FINDINGS AND PURPOSES.

(a) The Congress hereby determines that—

(1) current energy shortages have the potential to create severe economic dislocations and hardships;

(2) such shortages and dislocations could jeopardize the normal flow of interstate and foreign commerce;

(3) disruptions in the availability of imported energy supplies, particularly petroleum products, pose a serious risk to national security, economic well-being, and the health and welfare of the American people;

(4) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, governmental responsibility for developing and enforcing energy emergency authorities lies not only with the Federal Government, but with the States and with the local governments;

(5) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during periods of energy shortages.

(b) The purposes of this Act are to grant specific temporary standby authority to impose end-use rationing and to reduce demand by regulating public and private consumption of energy, subject to congressional review and right of approval or disapproval, and to authorize certain other specific temporary emergency actions to be exercised, to assure that the essential needs of the United States for fuels will be met in a manner which, to the fullest extent practicable: (1) is consistent with existing national commitments to protect and improve the environment; (2) minimizes any adverse impact on employment; (3) provides for equitable treatment of all sectors of the economy; (4) maintains vital services necessary to health, safety, and public welfare; and (5) insures against anticompetitive practices and effects and preserves, enhances and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources.

(c) Prior to exercising any of the authorities contained in—

Section 103, End-Use Rationing

Section 104, Energy Conservation Plans

Section 106, Materials Allocation

Section 107, Federal Actions to Increase Available Domestic Petroleum Supplies, and

Section 112, Antitrust Provisions

of this Act, the President must first make a finding that national or regional energy shortage conditions exist which constitute an energy emergency and which require the exercise of the standby energy emergency authorities provided for in this Act. The President's finding shall be transmitted to the Congress and shall be limited to the implementation of those authorities, plans or programs which he determines are necessary to balance the Nation's energy demands with available supplies.

##### SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

(2) The term "petroleum product" means crude oil, residual fuel oil, or a refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States,